

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

Before :

THE HON'BLE MR. JUSTICE G. PATRI BASAVANA GOUD

WRIT PETITION No. 26031/1990

Between :

1. The Karnataka State Road
Transport Corporation
Central Offices,
Bangalore-560 027.
by its Chief Law Officer.
 2. The Dy. General Manager &
Divisional Controller
Kolar Division, Kolar. .. Petitioners
- (By Sri.V.Mukunda Menon, Advocate)

And :

1. M. Syed Nazeer,
s/o Syed Mohiuddin,
Dadaki Nala PO
Gubbi, Tumkur Dist.
2. The Presiding Officer
Labour Court,
Bangalore-560 009. .. Respondents

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India Praying to quash Annexure-'D' dated 25.11.89 bearing No.90/87 to the extent it confers continuity of service on the delinquent workman as per his ranking in the select list of Badli conductors in his present employment.

This W.P. coming on for final hearing this day, the Court made the following :

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O R D E R

On the ground that, inspite of his having put in continuous service within the meaning of Section 25-B of the Industrial Disputes Act, 1947 ('Act' for short), his services came to be terminated without compliance with Section 25-F of the Act, the 1st respondent raised an industrial dispute, that came to be referred to the Labour Court, Bangalore. By then, it so happened that the 1st respondent-workman had also been taken back into service. All that he prayed for before the Labour Court, therefore, was that, he would give up back wages and that he be given the benefit of continuity of service. Since the learned counsel for the employer-KSRTC also conceded this position, as clearly observed by the Labour Court in the impugned award, the Labour Court had no occasion to go into other aspects. The Labour Court, therefore, by its award dated 25.11.1989 at Annexure-'D', specifically mentioning that the learned counsel for the KSRTC had no objection for giving the benefit of continuity of service as per the ranking of workman in his select list of Badli Conductors in lieu of the workman

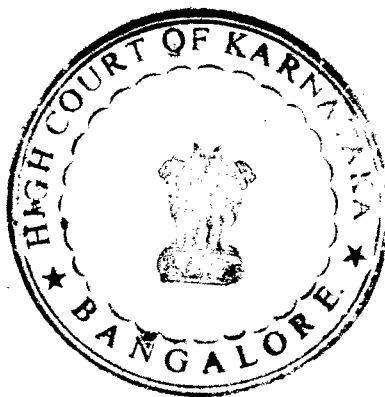
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giving up back wages, Passed an award holding that, workman is entitled to get the benefit of continuity of service as per his ranking in the select list of Badli conductors.

2. In view of this position and particularly in the light of the award having been Passed on the learned counsel for the KSRTC before the Labour Court conceding to the position, any further challenge to the said award as has now been done under Articles 226 & 227 of the Constitution at the instance of the management-KSRTC would not lie.

3. Writ petition is dismissed.



Sd/-
JUDGE

Bk/